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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,670	03/01/2004	Martin Padget	TRIAGE.020A	7872
	7590 03/06/200 RTENS OLSON & BE	EXAMINER		
2040 MAIN ST	REET	PRIDDY, MICHAEL B		
FOURTEENTH FLOOR IRVINE, CA 92614			ART UNIT	PAPER NUMBER
,		3733		
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SHORTENED STATUTORY	Y PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE	
3 MON	NTHS	. 03/06/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/06/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com eOAPilot@kmob.com

## Diffice Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply			Application No.	Applicant(s)					
Examiner Michael B. Priddy 3733 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Examiner of them may be available under the previous of 37 CFR 1.136(a). In no event, however, may a reply be timely filed If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (9) MONTHS from the mailing date of this communication. Failute to reply within the set or adended period for rely will by statute, cause the application to become ABANDONED (54 U.S. § 1.33). Any reply received by the Office later than fines months after the mailing date of this communication, even if timely filed, may reduce any earned patient or rely will be statute, cause the application to become ABANDONED (54 U.S. § 1.33). Any reply received by the Office later than fines months after the mailing date of this communication, even if timely filed, may reduce any earned patient than adjustment. Set 37 CFR 1.774(9). Status 1) □ Responsive to communication(s) filed on 05 June 2006. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 3-10 is/are pending in the application. 4) □ Claim(s) 3-10 is/are allowed. 6) □ Claim(s) 10 is/are allowed. 6) □ Claim(s) 10 is/are withdrawn from consideration. 5) □ Claim(s) 10 is/are allowed. 6) □ Claim(s) 10 is/are allowed. 7) □ Claim(s) 10 is/are allowed. 8) □ The drawing(s) filed on 10 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on 10 is/are: a) □ accepted or b) □ objected to by the Examiner. Application provide that any ob	Office Action Summary								
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* See the attached detailed Office action for a list of the certified copies not received.									
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Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)			4) Interview Summary	(PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	ate					
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:			· =	ratent Application					

Application/Control Number: 10/790,670

Art Unit: 3733

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: in line 15, "the first body" should be –the outer body-- and "the second body" should be –the central body--. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: in line 3, "lever anus" should be –lever arms--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Enayati (U.S. 6.290.701). Enayati teaches a method of fixing a first piece of bone to a second piece

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of bone, comprising the steps of: providing a pin 170 having at least one laterally moveable distal anchor 171 and a lumen 174 extending therethrough; advancing the distal anchor 171 through the first piece of bone and into the second piece of bone while the distal anchor 171 is permitted to move laterally inwardly as needed (lines 11-14 of column 8), gripping with a deployment tool 210 a proximal portion of a wire 40/100/150 that extends axially through the lumen 174 (lines 38-40 of column 8); and moving with the deployment tool 210 the wire 40/100/150 axially through the lumen 174 such that a distal portion of the wire 40/100/150 resists radial inward deflection of the distal anchor 171, thereby locking the distal anchor 171 with respect to lateral inward movement (lines 45-49 of column 8); wherein the step of moving with the deployment tool 210 the wire 40/100/150 axially through the lumen 174 comprises moving an outer body 213 of the deployment tool 210 with respect to a central body 240 of the deployment tool 210 (lines 42-54 of column 8).

Concerning the step "wherein the step of moving the outer body 213 of the deployment tool 210 with respect to the central body 240 of the deployment tool 210 comprises one way ratchet-type motion," the Examiner points out a one way motion is all that is apparently required by this limitation, not a ratchet mechanism per se. It is the Examiner's understanding that the structure of the internal lumen of the pin 170 and the cooperating structure (155) of the exterior surface of "wire" 150, for example, would allow for movement of the "wire" 150 into "pin" 170 but not in the opposite direction.

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Allowable Subject Matter

Claims 4-9 are allowed.

Claim 10 would be allowable if rewritten or amended to overcome the objection for minor informalities, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael B. Priddy whose telephone number is 571-272-2243. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Michael B. Priddy Michael B. Priddy

02/26/2007

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